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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.       |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/540,666   | 03/08/2006  | Vincent Fischetti    | 600-1-295PCTUS          | 2384                   |
| 23565  | 7590        | 07/27/2009           |                         |                        |
| KLAUBER & JACKSON<br>411 HACKENSACK AVENUE<br>HACKENSACK, NJ 07601 |             |                      | EXAMINER<br>MARX, IRENE |                        |
|  |             |                      | ART UNIT<br>1651        | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>07/27/2009 | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Note:

The proposed amendment raises new issues that would require further consideration and/or search with respect to the amendment to claim 16 to replace "lysozyme" with "Cpl-1" and the amendment to claim 23 to replace "wherein the lysozyme is Cpl-1" with "wherein the amidase is Pal and the muramidase is Cpl-1".

The information disclosure statement filed 7/15/09 will not be considered because it fails to comply with 37 CFR 1.97(d) because it lacks a proper statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

The statement provided addresses "relevance", while MPEP 609.04(b) states:

The requirements of 37 CFR 1.97 provide for consideration by the Office of information which is submitted within a reasonable time, i.e., within 3 months **after an individual designated in 37 CFR 1.56(c) becomes aware of the information** or within 3 months of the information being cited in a communication from a foreign patent office in a counterpart foreign application.

It is noted that the authors of the article provided are both inventors of the claimed subject matter of this application.

### Response to Arguments

Applicant's arguments have been fully considered to the extent that they pertain to the claims now of record but they are not deemed to be persuasive.

The arguments presented are not persuasive of error in the rejections made since they pertain to claims that are not entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irene Marx whose telephone number is (571) 272-0919. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Irene Marx/  
Primary Examiner  
Art Unit 1651